

REMARKS

The applicants have studied the Final Office Action dated November 19, 2003, and respectfully request entry of this amendment under the provisions of 37 CFR § 1.116(a) in that the amendments above and remarks below place the application and the claims in condition for allowance and in better form for consideration on appeal. By virtue of this amendment, claims 1 and 34 are requested to be amended; thus, claims 1-4, 7-19, 21-24, 34, and 36 are pending. Consideration and allowance of all the pending claims in view of the above amendments and the following remarks are respectfully requested.

The applicants note with appreciation that claims 18, 19, and 21-24 have been indicated as being allowable.

Claims 1 and 34 are requested to be amended. Amended claim 1 recites that the piston includes a “first member having an external proximate side and an external distal side, the external proximate side being adapted to contact the fluid and being made of a material having a first stiffness, the external distal side including threads adapted to releasably engage the threaded linear actuation member” (emphasis added). Amended claim 34 recites similar language. The applicants respectfully submit that these amendments to the claims recite subject matter already of record in this application, and thus, do not raise new issues. Accordingly, entry of the foregoing amendments are respectfully requested.

Claims 1-4, 7-17, 34, and 36 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kakimi et al. This rejection is respectfully traversed.

Claim 1, and claims 2-4 and 7-17 depending therefrom, recite an apparatus for dispensing a medication fluid comprising a reservoir adapted for use with a drive system having a threaded linear actuation member, and a piston including a “first member having an external proximate side and an external distal side, the external proximate side being adapted to contact the fluid and being made of a material having a first stiffness, the external distal side including threads adapted

to releasably engage the threaded linear actuation member” (emphasis added). Claim 34, and claim 36 depending therefrom, recite similar language. The Kakimi et al. reference fails to disclose, teach, or suggest a piston including a first member with an external distal side that has threads adapted to releasably engage a threaded linear actuation member, as recited in the claims.

The Kakimi et al. reference is directed to a medical syringe. The syringe 2 includes a syringe body 3 and a plunger 4 fitted in the syringe body 3. The Examiner asserts that the plunger 4 comprises an elastic cover 9 (first member) and a plunger body component 8 (second member). The Examiner further asserts that the elastic cover 9 is adapted to releasably engage a linear actuation member by means of plunger body components 6 and 7. Although the plunger 4 may be connected to a linear actuation member, such as piston 13, the elastic cover 9 (first member) does not include any threads adapted for releasably engaging a threaded linear actuation member, as recited in the claims. Thus, the Kakimi et al. reference does not disclose, teach, or suggest a piston including a first member with an external distal side that has threads adapted to releasably engage a threaded linear actuation member, as recited in claims 1-4, 7-17, 34, and 36.

For these reasons, withdrawal of the rejection of claims 1-4, 7-17, 34, and 36 under 35 U.S.C. § 102(e) is respectfully requested.

The applicants respectfully submit that the foregoing amendments and remarks place the application and the claims in condition for allowance, and in better form for consideration on appeal, and thus, may be admitted under 37 CFR § 1.116(b). With respect to those amendments deemed to touch the merits, admission is requested under 37 CFR § 1.116(c). It is submitted that the amendments recite subject matter already of record in the application, and thus, do not raise new issues.

In view of the foregoing, it is respectfully submitted that the application and all of the claims are in condition for allowance. Entry of the foregoing amendments, and reexamination and reconsideration of the application as amended, are respectfully requested.

If, for any reason, the Examiner finds that the application is other than in condition for allowance and believes that a telephone interview would advance the prosecution of the application, the Examiner is invited to call the undersigned attorney at (818) 576-5291.

Respectfully submitted,

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